

Legislative Council—No 92

As received from the House of Assembly and read a first time, 4 May 2023

South Australia

**Rail Safety National Law (South Australia) (Fees)
Amendment Bill 2023**

A BILL FOR

An Act to amend the *Rail Safety National Law (South Australia) Act 2012*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Rail Safety National Law (South Australia) (Fees) Amendment Act 2023*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

3—Amendment provision

- 10 In this Act, a provision in Part 2 amends the *Rail Safety National Law* set out in the Schedule to the *Rail Safety National Law (South Australia) Act 2012*.

Part 2—Amendment of *Rail Safety National Law*

4—Amendment of section 4—Interpretation

Section 4(1), definition of *private siding*, paragraph (d)—delete paragraph (d)

5—Amendment of section 42—National Rail Safety Register

Section 42(2)—after paragraph (b) insert:

- (ba) the rail transport operators determined by the Regulator to be tourist and heritage railway operators for the purposes of section 76(1a)(a) (Annual fees) and section 95(1a)(b) (Annual fees) of the Law;

6—Amendment of section 68—Application for variation of accreditation

Section 68(3)(c)—delete paragraph (c)

7—Amendment of section 76—Annual fees

Section 76—after subsection (1) insert:

- (1a) Subsection (1) does not apply to or in respect of—
- (a) an accredited person determined by the Regulator to be a tourist and heritage railway operator, as recorded in the Register; or
- (b) an accredited person, or an accredited person of a class, prescribed by the national regulations.

8—Insertion of section 76A

After section 76 insert:

76A—Increase in fee amounts

- (1) Without limiting section 76(4), the national regulations may provide that the amount of any fee payable under this Division may be increased from the amount that applied in relation to the period immediately prior to the period in respect of which the fee is payable in accordance with a method prescribed by the national regulations for the purposes of this section.
- (2) A method prescribed by the national regulations for the purposes of subsection (1)—
- (a) may operate to increase a fee whose amount has already been increased by a previous application or applications of that method; and
- (b) may operate such that it results in no increase occurring in relation to a particular period in respect of which the fee is payable.
- (3) As soon as practicable, but before 1 July of each year, the Regulator must publish the amounts of each fee that apply following the application of the prescribed method as from that date—
- (a) by notice in the South Australian Government Gazette; and
- (b) on the ONRSR's website; and
- (c) if the Regulator considers it appropriate—in such other manner as determined by the Regulator.

9—Amendment of section 87—Application for variation of registration

Section 87(3)(c)—delete paragraph (c)

10—Amendment of section 95—Annual fees

Section 95—after subsection (1) insert:

- 5 (1a) Subsection (1) does not apply to or in respect of—
- (a) a registered person who is also an accredited person; or
 - (b) a registered person determined by the Regulator to be a
tourist and heritage operator, as recorded in the Register; or
 - 10 (c) a registered person, or a registered person of a class,
prescribed by the national regulations.

11—Insertion of section 95A

After section 95 insert:

95A—Increase in fee amounts

- 15 (1) Without limiting section 95(4), the national regulations may provide
that the amount of any fee payable under this Division may be
increased from the amount that applied in relation to the period
immediately prior to the period in respect of which the fee is payable
in accordance with a method prescribed by the national regulations
for the purposes of this section.
- 20 (2) A method prescribed by the national regulations for the purposes of
subsection (1)—
- (a) may operate to increase a fee whose amount has already
been increased by a previous application or applications of
that method; and
 - 25 (b) may operate such that it results in no increase occurring in
relation to a particular period in respect of which the fee is
payable.
- 30 (3) As soon as practicable, but before 1 July of each year, the Regulator
must publish the amounts of each fee that apply following the
application of the prescribed method as from that date—
- (a) by notice in the South Australian Government Gazette; and
 - (b) on the ONRSR's website; and
 - (c) if the Regulator considers it appropriate—in such other
manner as determined by the Regulator.

12—Amendment of heading to Part 6 Division 2 Subdivision 6

Heading to Part 6 Division 2 Subdivision 6—delete the heading and substitute:

Subdivision 6—Increase in fee amounts and waiver of fees

13—Insertion of section 214AA

Before section 214A insert:

214AA—Increase in fee amounts

- 5 (1) The national regulations may provide that the amount of any fee payable under this Division may be increased from the amount that applied in relation to the period immediately prior to the period in respect of which the fee is payable in accordance with a method prescribed by the national regulations for the purposes of this section.
- 10 (2) A method prescribed by the national regulations for the purposes of subsection (1)—
- 15 (a) may operate to increase a fee whose amount has already been increased by a previous application or applications of that method; and
- (b) may operate such that it results in no increase occurring in relation to a particular period in respect of which the fee is payable.
- 20 (3) As soon as practicable, but before 1 July of each year, the Regulator must publish the amounts of each fee that apply following the application of the prescribed method as from that date—
- (a) by notice in the South Australian Government Gazette; and
- (b) on the ONRSR's website; and
- (c) if the Regulator considers it appropriate—in such other manner as determined by the Regulator.